

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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In Re:	:	
	:	
THERESA J. FULLERTON	:	
XXX-XX-2433	:	
	:	CHAPTER 13
Debtor.	:	CASE NO. 18-10948-JCM
	:	
	:	
J.P. Morgan Mortgage Acquisition Corp.	:	
	:	
Movant,	:	
v.	:	
	:	
Theresa J. Fullerton and	:	
Ronda J. Winnecur, Chapter 13 Trustee	:	
	:	
Respondents.	:	
	:	

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**OBJECTION TO CONFIRMATION OF MODIFIED PLAN**

Secured Creditor, J.P. Morgan Mortgage Acquisition Corp., (“J.P. Morgan”), the holder of a mortgage on the real property of the Debtor commonly known as 633 East 6<sup>th</sup> Avenue, Erie, Pennsylvania 16507, by and through its undersigned attorneys, hereby objects to the confirmation of the Chapter 13 Modified Plan proposed by the Debtor in the event that the Debtor has failed to make post-petition mortgage payments as required by the proposed Modified Plan and/or as required by 11 U.S.C. Section 1322 and 1326, *et seq.*

Further, objection is made to confirmation of the proposed Modified Plan in the event that:

- (a) the Debtor has failed to make all required payments to the Standing Trustee pursuant to 11 U.S.C. Section 1326;
  
- (b) the Debtor seeks to modify the rights of Secured Creditor;

- (c) the proposed plan fails to comply with the requirements of the Bankruptcy Code and is not proposed in good faith;
- (d) the proposed plan does not provide that Secured Creditor retain its lien;
- (e) the value of the property to be distributed to Secured Creditor under the plan is less than the allowed amount of its claim;
- (f) the proposed plan is not feasible;
- (g) the proposed plan fails to comply with other applicable provisions of Title 11;
- (h) the proposed plan fails to provide for Secured Creditor's claim as provided for in its Proof of Claim.

The post-petition monthly payment listed in the Proposed Modified Plan is understated as per the notice of payment change filed with the Court on January 11, 2024.

Wherefore, J.P. Morgan respectfully requests that Debtor's Modified Plan be denied as proposed or revised to include the full monthly payment.

Respectfully submitted,  
Romano Garubo & Argentieri

Date: August 20, 2024

/s/EMMANUEL J. ARGENTIERI  
EMMANUEL J. ARGENTIERI

ROMANO GARUBO & ARGENTIERI/Emmanuel J. Argentieri, Esquire/59264  
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**CERTIFICATION OF SERVICE**

I hereby certify that service upon all interested parties, indicated below, was made by serving copies of J.P. Morgan Mortgage Acquisition Corp.'s Objection to Confirmation of Modified Plan as follows:

Persons served:

Ronda J. Winnecour  
Suite 3250, USX Tower  
600 Grant Street  
Pittsburgh, PA 15219

***CHAPTER 13 TRUSTEE- SERVED ELECTRONICALLY Also***

Jeffrey G. Herman  
114 High Street  
PO Box 455  
Waterford, PA 16441

***DEBTOR'S ATTORNEY- SERVED ELECTRONICALLY Also***

Theresa J. Fullerton  
2078 Route 97  
Waterford, PA 16441

***DEBTOR-SERVED VIA REGULAR FIRST-CLASS MAIL***

United States Trustee  
Office of the U.S. Trustee  
Liberty Center.  
1001 Liberty Avenue, Suite 970  
Pittsburgh, PA 15222

***U.S. Trustee-SERVED ELECTRONICALLY ONLY***

By:/s/ EMMANUEL J. ARGENTIERI  
EMMANUEL J. ARGENTIERI

Date: August 20, 2024

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